

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 12, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2699

Introduced by Assembly Member Bass

February 19, 2010

An act to amend Section 900 of, and to add Section 901 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2699, as amended, Bass. Healing arts: licensure exemption.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a health care practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

This bill would also provide an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in another state who offers or provides health care services for which he or she is licensed or certified (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in

association with a sponsoring entity that registers with the applicable healing arts board, as defined, and provides specified information to the county health department of the county in which the health care services will be provided, *and* (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. The bill would also prohibit a contract of liability insurance issued, amended, or renewed on or after January 1, 2011, from excluding coverage of these practitioners or a sponsoring entity for providing care under these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 900 of the Business and Professions Code
2 is amended to read:
3 900. (a) Nothing in this division applies to a health care
4 practitioner licensed in another state or territory of the United
5 States who offers or provides health care for which he or she is
6 licensed, if the health care is provided only during a state of
7 emergency as defined in subdivision (b) of Section 8558 of the
8 Government Code, which emergency overwhelms the response
9 capabilities of California health care practitioners and only upon
10 the request of the Director of the Emergency Medical Services
11 Authority.
12 (b) The director shall be the medical control and shall designate
13 the licensure and specialty health care practitioners required for
14 the specific emergency and shall designate the areas to which they
15 may be deployed.
16 (c) Health care practitioners shall provide, upon request, a valid
17 copy of a professional license and a photograph identification
18 issued by the state in which the practitioner holds licensure before
19 being deployed by the director.
20 (d) Health care practitioners deployed pursuant to this chapter
21 shall provide the appropriate California licensing authority with
22 verification of licensure upon request.
23 (e) Health care practitioners providing health care pursuant to
24 this chapter shall have immunity from liability for services rendered
25 as specified in Section 8659 of the Government Code.

1 (f) For the purposes of this section, “health care practitioner”
2 means any person who engages in acts which are the subject of
3 licensure or regulation under this division or under any initiative
4 act referred to in this division.

5 (g) For purposes of this section, “director” means the Director
6 of the Emergency Medical Services Authority who shall have the
7 powers specified in Division 2.5 (commencing with Section 1797)
8 of the Health and Safety Code.

9 SEC. 2. Section 901 is added to the Business and Professions
10 Code, to read:

11 901. (a) For purposes of this section, the following provisions
12 apply:

13 (1) “Board” means the applicable healing arts board, under this
14 division or an initiative act referred to in this division, responsible
15 for the licensure or regulation in this state of the respective health
16 care practitioners.

17 (2) “Health care practitioner” means a physician and surgeon,
18 *podiatrist*, osteopathic physician and surgeon, chiropractor, dentist,
19 dental hygienist, nurse, vocational nurse, optometrist, or physician
20 assistant.

21 (3) “Sponsoring entity” may include, but is not limited to, a
22 nonprofit organization or a community-based organization.

23 (4) “Uninsured or underinsured person” means a person who
24 does not have health care coverage, including private coverage or
25 coverage through a program funded in whole or in part by a
26 governmental entity, or a person who has health care coverage,
27 but the coverage does not extend to the health care services offered
28 by the health care practitioner under this section.

29 (b) Nothing in this division applies to a health care practitioner
30 licensed or certified in good standing in another state, district, or
31 territory of the United States who offers or provides health care
32 services for which he or she is licensed or certified if both of the
33 following requirements are met:

34 (1) Prior to providing ~~that are~~ *these services*, he or she submits
35 to the board a valid copy of his or her license or certificate and a
36 photographic identification issued by the state in which he or she
37 holds licensure or certification.

38 (2) ~~The care is~~ *The services are* provided under all of the
39 following circumstances:

40 (A) To uninsured or underinsured persons.

1 (B) On a short-term voluntary basis, not to exceed a 10-day
2 period per sponsored event.

3 (C) In association with a sponsoring entity that complies with
4 subdivision (c).

5 (D) Without charge to the recipient or to a third party on behalf
6 of the recipient.

7 (c) A sponsoring entity seeking to provide, or arrange for the
8 provision of, health care services under this section shall do both
9 of the following:

10 (1) Register with the board by completing a registration form
11 that shall include all of the following elements:

12 (A) The name of the sponsoring entity.

13 (B) The name of the principal individual or individuals who are
14 the officers or organizational officials responsible for the operation
15 of the sponsoring entity.

16 (C) The address, including street, city, ZIP Code, and county,
17 of the sponsoring entity's principal office and each individual listed
18 pursuant to subparagraph (B).

19 (D) The telephone number for the principal office of the
20 sponsoring entity and each individual listed pursuant to
21 subparagraph (B).

22 (E) Any additional information required by the board.

23 (2) Provide the information listed in paragraph (1) to the county
24 health department of the county in which the health care services
25 will be provided, along with any additional information that may
26 be required by that department.

27 (d) The sponsoring entity shall notify the board and the county
28 health department described in paragraph (2) of subdivision (c) in
29 writing of any change to the information required under subdivision
30 (c) within 30 days of the change.

31 (e) Within 15 days of the provision of health care services
32 pursuant to this section, the sponsoring entity shall file a report
33 with the board and the county health department of the county in
34 which the health care services were provided. This report shall
35 contain the date, place, type, and general description of the care
36 provided, along with a listing of the health care practitioners who
37 participated in providing that care.

38 (f) The sponsoring entity shall maintain a list of health care
39 practitioners associated with the provision of health care services
40 under this section. The sponsoring entity shall maintain a copy of

1 each health care practitioner's current license or certification and
2 shall require each health care practitioner to attest in writing that
3 his or her license or certificate is not suspended or revoked pursuant
4 to disciplinary proceedings in any jurisdiction. The sponsoring
5 entity shall maintain these records for a period of at least five years
6 following the provision of health care services under this section
7 and shall, upon request, furnish those records to the board or any
8 county health department.

9 (g) The board may revoke the registration of a sponsoring entity
10 that fails to comply with subdivision (e) or (f).

11 (h) A contract of liability insurance issued, amended, or renewed
12 in this state on or after January 1, 2011, shall not exclude coverage
13 of a health care practitioner or a sponsoring entity that provides,
14 or arranges for the provision of, health care services under this
15 section, provided that the practitioner or entity complies with this
16 section.

17 (i) Subdivision (b) shall not apply to a health care practitioner
18 who renders care outside the scope of practice authorized by his
19 or her license or certificate.